

## **6.13 - MS-1 MEDICAL SERVICES DISTRICT**

### **6.13.1 INTENT:**

This district is intended to provide space for the harmonious development of medical facilities, services, and related support uses. The Medical Services District is intended to be protected from encroachment by land uses adverse to the location, operation, and expansion of medical use development.

### **6.13.2 PERMITTED USES:**

Within the MS-1 Medical Services District the following uses are permitted:

- 6.13.2.1 Apothecaries, drug stores, and pharmacies;
- 6.13.2.2 Artificial limb and brace, therapeutic establishments, including the manufacturing, wholesale, and retail sales of products;
- 6.13.2.3 Banks;
- 6.13.2.4 Barber and beauty shops;
- 6.13.2.5 Bookstores including card and gift shops;
- 6.13.2.6 Churches, including parish houses;
- 6.13.2.7 Clinics;
- 6.13.2.8 Day-care centers and adult day-care centers;
- 6.13.2.9 Florist shops;
- 6.13.2.10 General office uses and office buildings, including professional and governmental;
- 6.13.2.11 Group homes, subject to the requirements of Subsection 6.8.2.3;
- 6.13.2.12 Hospitals for the treatment of human ailments, including psychiatric hospitals;
- 6.13.2.13 Laboratories - medical, dental, optical, pharmaceutical and related;
- 6.13.2.14 Medical, surgical, and dental supply businesses, both wholesale and retail;
- 6.13.2.15 Municipal, county, state or federal buildings or land uses;

- 6.13.2.16 Motels and hotels;
- 6.13.2.17 Nursing homes, rest homes, and convalescent homes;
- 6.13.2.18 Parking garages;
- 6.13.2.19 Public utility stations;
- 6.13.2.20 Residential homes for the aged, subject to the requirements of Subsection 6.6.1.5;
- 6.13.2.21 Restaurants, including drive-in services;
- 6.13.2.22 Retail sales and service establishments pertaining to any medically oriented product or service;
- 6.13.2.23 Schools;
- 6.13.2.24 Single-family residences;
- 6.13.2.25 Accessory structures and uses, provided they are located in the rear yard and set back a minimum of seven and one-half (7 ½) feet from all property lines;
- 6.13.2.26 Alternative tower structures; and
- 6.13.2.27 Heliports subject to compliance with the most recent edition of Federal Aviation Administration Circular 150/5390-2A.
- 6.13.2.28 Beer serving/sales establishments

6.13.3 **USES PERMITTED BY APPROVAL AS SPECIAL EXCEPTION:**  
The following uses are permitted when approved by the Board of Zoning Appeals as Special Exceptions as provided by Section 15.4:

- 6.13.3.1 Mortuary establishments, provided such establishments will not cause undue traffic congestion or create a traffic hazard;
- 6.13.3.2 Gasoline service stations, provided:
  - A. Service stations' principal and accessory buildings shall not be constructed closer than forty (40) feet to any side or rear lot line nor closer than forty-five (45) feet to any street right-of-way;

- B. Gasoline pump islands shall not be located closer than thirty (30) feet to any street right-of-way line nor closer than forty (40) feet to any side or rear lot line which abuts an RO-1 or more restrictive zone but which does not abut a street right-of-way; and
- C. Canopies shall not be constructed closer than thirty (30) feet from any street right-of-way. (Since the Code states that variances may only be given when special conditions prevent the beneficial use of land, if a gasoline station may be constructed on a lot, the land has resulted in beneficial use; and, therefore, no waiver may be given permitting the canopy to extend closer than thirty (30) feet to the street right-of-way.)

6.13.3.3 Tower Structures.

6.13.3.4 Non-Residential Substance Abuse Treatment Facility (scheduled drugs dispensed on-site):

- A. The facility shall be fully licensed/certified by the appropriate regulating state or federal agency, if required;
- B. If a certificate of need (CON) is required, a copy of the CON application shall be submitted to the Board of Zoning Appeals prior to being heard by the Board. The CON shall be obtained as a condition of final approval; no building permits shall be issued or occupancy be allowed prior to the petitioner receiving the CON and licenses; and presenting them to the Development Services Department;
- C. The facility shall be located on properties which abuts, adjoins, or physically borders a collector street, arterial street, or any section of State of Franklin Road;
- D. The petitioner shall provide the Board of Zoning Appeals with information regarding the number of staff to be employed; and
- E. The facility shall provide one (1) off-street space per one-hundred (100) square feet of gross floor area plus one (1) space per employee as specified in Article XI, Section 11.3.

6.13.3.5 Substance Abuse Treatment Facility provided:

- A. The facility shall be fully licensed/certified by the appropriate regulating state agency, if required;

- B. A certificate of need, if required, shall be obtained from the appropriate state agency prior to review by the Board of Zoning Appeals;
- C. The Facility shall not be located adjacent to or within 200 feet of a residential district including R-1, R-2, R-2A, R-2B, R-2C, R-3, R-4, R-5, R-6, RP-2, RP-3, RP-4, RP-5, RM-3, RM-4, RM-6, RO-1, and RO-2 districts;
- D. The facility shall not operate before 7:00 a.m. or after 8:00 p.m.;
- E. The facility shall be located on a collector street, arterial street, or State of Franklin Road;
- F. The petitioner shall provide the Board of zoning Appeals with information regarding the number of staff to be employed; and
- G. The facility, if located within a single tenant structure, shall meet the off-street parking requirements as specified in Article XI, Section 11.3.

6.13.4 SIDEWALK REQUIREMENT:

Sidewalks shall be required for all developments along their public street frontages, in accordance with Article IX, Sidewalk Regulations, and The Standards of Design for Streets and Drainage.

6.13.5 AREA REGULATIONS:

All buildings and uses, unless otherwise specified in this Code, shall comply with the following setback, coverage, and area requirements:

6.13.5.1 Minimum Lot Size:  
Not restricted.

6.13.5.2 Yard Area:

- A. Front Yard:  
Minimum front yard setback shall be forty-five (45) feet on an arterial street, thirty-five (35) feet on a collector street, and twenty-five (25) feet on all other streets.
- B. Side Yards:  
The minimum total depth of the two side yards shall be twelve (12) feet for the first story; eight (8) additional feet for each of the next two stories, and four (4) additional feet for each of the next five

stories, and zero (0) additional feet for each additional story. At least one-third ( $1/3$ ) of the total depth shall be provided on the smaller side, provided that neither side yard shall be less than six (6) feet in depth.

C. Rear Yard:

The minimum depth of the rear yard shall be thirty (30) feet.

6.13.6 MAXIMUM LOT COVERAGE:

The principal building and all accessory buildings shall cover not more than fifty (50) percent of the total lot area.

6.13.7 HEIGHT REGULATIONS:

Unlimited.

6.13.8 CONCEPT PLAN REQUIRED:

Each application for a rezoning request shall be accompanied by five sets of a concept plan as described in Article XIV, Subsection 14.3.1. The review and approval process for such concept plan shall be as described in Subsection 14.3.2.